

COUNCIL AGENDA: 12-3-13

ITEM: 4.4

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Toni J. Taber, CMC
City Clerk

SUBJECT: SEE BELOW

DATE: 11-21-13

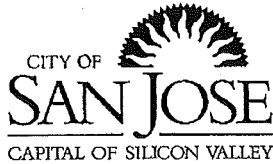
SUBJECT: LEVITT PAVILIONS AND ST JAMES PARK

RECOMMENDATION

As recommended by the Rules and Open Government Committee on November 13, 2013 and outlined in the attached memo previously submitted to the Rules and Open Government Committee, authorize the City Manager to participate in a community-led process to explore a partnership with the national nonprofit Levitt Pavilions, such that the City would:

- (a) Designate a representative to sit on the "Friends of Levitt San José" Exploratory Committee, to assess the feasibility of a Levitt Pavilion in St. James Park. The duties of the Committee would include:
 - (1) Engaging the community to generate broad input concerning the implementation, location and design of a pavilion;
 - (2) Researching existing Levitt Pavilions to understand best practices in other cities;
 - (3) Exploring potential sites within St. James Park for a pavilion with local residents and city staff;
 - (4) Formulating a business plan for Friends of Levitt San José;
 - (5) Identifying and recruiting individuals to form a Friends of Levitt Board of Directors;
 - (6) If City and Levitt approval appears likely, beginning donor identification for a future capital campaign and operating support; and
 - (7) Communicating regularly with Levitt Pavilions regarding the exploratory process.
- (b) Designate the Exploratory Committee an official city-sponsored event for fundraising purposes;
- (c) Bring the activities and ultimate recommendation of the Exploratory Committee before the appropriate City Boards and Commissions prior to Council approval, including the Arts Commission, Parks Commission and Historic Landmarks Commission;
- (d) Define a geographically-define district in the blocks surround St. James Park ("District") within which to identify sources of future fees or assessments to fund the construction, operations, and maintenance of a Levitt Pavilion and other potential park improvement; and
- (e) Facilitate the Exploratory Committee's effort to construct a potential funding plan that may include the use of any of the following tools:
 - (1) Development agreements with developers of nearby projects;
 - (2) Benefit assessment districts;
 - (3) Property-based improvements districts;
 - (4) Infrastructure-based tax-increment financing;

- (5) Dedication of park fees where a developer voluntarily chooses to contribute equal or greater funds;
- (6) Establishment of a maintenance trust;
- (7) Use of park fees for an "establishment period", until other revenues emerge; and
- (8) Use of the San José Downtown Association's Community Development Corporation.



Memorandum

TO: RULES COMMITTEE

FROM: Councilmember Sam Liccardo

SUBJECT: REPLACEMENT
MEMORANDUM: LEVITT
PAVILIONS AND ST. JAMES
PARK

DATE: November 12, 2013

APPROVED:

Sam Liccardo
M.L.

11-12-13

RECOMMENDATION

Authorize the City Manager to participate in a community-led process to explore a partnership with the national nonprofit Levitt Pavilions, such that the City would:

1. Designate a representative to sit on the "Friends of Levitt San Jose" Exploratory Committee, to assess the feasibility of a Levitt pavilion in St. James Park. The duties of the Committee would include:
 - a. Engaging the community to generate broad input concerning the implementation, location, and design of a pavilion.
 - b. Researching existing Levitt pavilions to understand best practices in other cities;
 - c. Exploring potential sites within St. James Park for a pavilion with local residents and city staff;
 - d. Formulating a business plan for Friends of Levitt San Jose;
 - e. Identifying and recruiting individuals to form a Friends of Levitt board of directors;
 - f. If City and Levitt approval appears likely, beginning donor identification for a future capital campaign and operating support; and
 - g. Communicating regularly with Levitt Pavilions regarding the exploratory process.
2. Designate the Exploratory Committee an official city-sponsored event for fundraising purposes.
3. Bring the activities and ultimate recommendation of the Exploratory Committee before the appropriate City Boards and Commissions prior to Council approval, including the Arts Commission, Parks Commission and Historic Landmarks Commission.
4. Define a geographically-defined district in the blocks surrounding St. James Park ("District") within which to identify sources of future fees or assessments to fund the construction, operations, and maintenance of a Levitt Pavilion and other potential park improvements.
5. Facilitate the Exploratory Committee's effort to construct a potential funding plan that may include the use of any of the following tools:
 - a. development agreements with developers of nearby projects;

- b. benefit assessment districts;
- c. property-based improvement districts;
- d. infrastructure-based tax-increment financing;
- e. dedication of park fees where a developer voluntarily chooses to contribute equal or greater funds;
- f. establishment of a maintenance trust;
- g. use of park fees for an "establishment period," until other revenues emerge;
- h. use of the San Jose Downtown Association's Community Development Corporation.

Where necessary, the City Attorney and City Manager should bring the information to a City Council closed session for discussion.

BACKGROUND

St. James Park

Many of us who live and toil near St. James Park witness its daily display of the grittiest challenges of modern urban life: violence, drug use, crime, homelessness, and all forms of despair. Almost daily, my office receives complaints regarding conditions in St. James Park. For years, we have worked with the community and government partners to try varying solutions in the park from increased law enforcement, a housing program for the mentally ill /homeless, and activation of the park with events ranging from movies nights, to egg hunts, to large scale events.

Paradoxically, these scenes transpire against a backdrop of stately, neoclassical buildings that evoke images of a grander age. Those structures—the Scottish Rite Temple, the post office, state courthouse, and the St. Claire Club, among others—remind us of St. James' unique place in history, surrounding the oldest urban park in California's oldest civil settlement. They whisper of the Park's regal design by America's foremost landscape architect, Frederick Law Olmstead. They tell of the extraordinary events—the marches and rallies, Bobby Kennedy's 1968 speech, the grisly lynchings, and the performances by Presidents, poets, and musicians.

Some have attributed the decline of St. James Park to recent events, but the fall from Eden appears far from recent. Historian Clyde Arbuckle recounts that even 80 years ago, the proximity of homeless in St. James Park supported the workings of justice in the facing courthouse, as "court bailiffs collared park loafers and bums for immediate jury duty across the street."

Given the Park's prominence in our Downtown, within blocks of nine new residential developments, it must become our priority for urban revitalization. That is why I am proposing a transformative approach to our City's oldest park — a partnership with national nonprofit organization, Levitt Pavilions.

Levitt Pavilions

Levitt Pavilions, a national nonprofit, partners with cities across America to transform neglected parks into welcoming destinations where live music and performance invigorates community life by providing a vibrant outdoor public space. Levitt venues form the only national network of outdoor music pavilions offering free concert series, targeting a broad range of tastes, for people of all ages. The organization has successfully transformed a half-dozen other notorious urban trouble spots, including Los Angeles's MacArthur Park and Pasadena's Memorial Park.

After initial discussions with Sharon Yazowski, the Executive Director of Levitt Pavilions, I received a formal pledge of commitment to develop a pavilion on April 30, 2013. Assuming that site and venue design meet the requirements of the Foundation, it will pledge \$400,000 for construction of the pavilion, and over five years, another \$750,000 for its operations.

Throughout and since the time of that April 30, 2013 letter, my office has hosted several meetings with community members to explore public support for the concept. From those meetings, there appears a willingness to keep exploring a potential partnership; one business owner even started a Change.org petition that over 280 people have signed.

Next Steps

As Levitt Pavilions requires, we next must establish an "Exploratory Committee." The Committee should consist of adjacent residents, property owners, business owners, churches, advocates of parks, historic preservationists, and those knowledgeable about local live music. Established organizations uniquely focused on this park—such as the Preservation Action Coalition, SPUR, the San Jose Parks Foundation, Downtown Rotary, the Santa Clara County Civil Court, and the San Jose Downtown Association—should be invited to join the committee. The Exploratory Committee will work with city staff and Levitt Pavilions to assess a pavilion's feasibility, and to address potential areas of concern.

Finally, I ask the offices of the City Attorney and City Manager to respond to Exploratory Committee questions to assess the feasibility of forming a geographically-based district surrounding the park, within which the City could negotiate development agreements, or assess fees, for the payment of a multi-year commitment to fund construction of a Pavilion, and all or part of its future operations and maintenance.

The Exploratory Committee should also explore the idea of waiving or deferring a portion of developer fees in exchange for funding of a "maintenance trust" for a Pavilion. Even if the developer pays considerably more money in the aggregate, the developer benefits by pushing its PDO obligation out over time, and by creating a vibrant, enticing "front yard" for their new homes.

This opportunity to revitalize St. James Park—San Jose's only park in a federal historic district—presents this Council, this City, and the community with a unique moment for collective leadership. Let's move forward.